



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/659,170	09/11/2000	Jeffry Jovan Philyaw	PHLY-25340	6265

25883 7590 09/22/2006

HOWISON & ARNOTT, L.L.P
P.O. BOX 741715
DALLAS, TX 75374-1715

EXAMINER

FADOK, MARK A

ART UNIT	PAPER NUMBER
----------	--------------

3625

DATE MAILED: 09/22/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.	Applicant(s)	
09/659,170	PHILYAW, JEFFRY JOVAN	
Examiner	Art Unit	
Mark Fadok	3625	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-40 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-40 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

The examiner is in receipt of applicant's response to office action mailed 1/23/2006, which was received 7/17/2006. Acknowledgment is made to the amendment to claims 1,11 and 21 and the addition of claims 31-40. The applicant's remarks and amendments have been carefully considered, but were not found to be persuasive. Therefore the previous rejection modified as necessitated by amendment follows:

Examiner's Note

Examiner has cited particular columns and line numbers or figures in the references as applied to the claims below for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5,7-15 and 17-30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoads (US 6,311,214) in view of Kramer et al (6,327,574) and further in view of Morrison (NPL see 892).

In regards to claim 1, Rhoads discloses a method of accessing a vendor web site disposed on a network at the vendor location thereon using personal account information of a user retrieved from a credit card company server disposed on the network at a credit card location thereon, comprising the steps of:

at a user location disposed on the network, reading a machine-resolvable code (MRC) on the credit card of the user with a reading device (col 22, lines 15-67 and abstract);

extracting coded information from the MRC (col 5, lines 25-30);

obtaining routing information associated with the coded information, which routing information corresponds to the personal account information of the user stored on the credit card company server disposed on the network (col 22, lines 25-40);

connecting the user location to the credit card company server across the network in accordance with the routing information (col 22, lines 25-40).

Rhoads teaches accessing a website that is specified by the MRC encoded on a device such as a credit card (col 22, lines 40-45), and obtaining credit card data (col 22, lines 25-40), but does not specifically mention that the returned personal account information contains routing information relating to vendors that previously had been

commercially related with the user. Kramer teaches obtaining credit card data from a client machine that includes routing information relating to vendors that previously had been commercially related with the user (FIG 3B). It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Rhoads routing information relating to vendors that previously had been commercially related with the user because would provide a safe platform from which to launch secure online purchasing and create a comfort level for the user, thus increasing usage and sales.

presenting the personal account information to the user at the user location (Rhoads, abstract and summary, Kramer, FIG 1); and

providing a hyperlink to a web site of a vendor in the personal account information for automatic connection of the user location to the vendor web site in response to the selection thereof (Kramer FIG 3B).

The combination of Rhoads/Kramer teach accessing account information at a credit card company and using provided links to access vendors, but does not specifically mention that the a transaction is taking place with the connection to the credit card company. Morrison teaches a web site www.shopwithvisa.co.nz where online merchants are accessed to encourage secure transaction. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Rhoads/Kramer conducting transaction from the credit card company web site, because this would provide greater security and increase the comfort level of people shopping on the internet, thus increasing revenue.

In regards to claim 2, Rhoads teaches wherein the MRC is optical indicia (col 26, lines 63-67).

In regards to claim 3, Rhoads teaches wherein the optical indicia is a bar code (col 18, lines 40-45).

In regards to claim 4, Rhoads teaches wherein the routing information in the step of obtaining is stored on a user computer at the user location such that the coded information in the step of extracting is used to obtain the corresponding routing information from the user computer (col 8, lines 10-20 and col 16, lines 14-23).

In regards to claim 5, Rhoads teaches wherein the user computer stores a plurality of coded information each associated with unique routing information such that reading of the MRC of a select one of one or more credit cards of the user causes the user computer to connect to the corresponding credit card company server over the network (col 26, line 64 – col 27, line 14).

In regards to claim 6, Rhoads teaches wherein personal account information in the step of presenting is displayed on a computer display operatively connected to a user computer at the user location (FIG 1).

In regards to claim 8 Rhoads teaches wherein the routing information in the step of obtaining comprises: a network address of the credit card company server on the network and file path information which locates the personal account information of the user on the credit card company server (col 26, line 65 – col 27, line 2).

In regards to claim 9 Rhoads teaches wherein the hyperlink is associated with a line item transaction of the personal account information such that the purchased product associated with the line item transaction is a select one of one or more products of the vendor of the web site which are available for purchase (col 27, lines 37-42, purchase information).

In regards to claim 10 Rhoads teaches wherein the hyperlink is associated with the line item transaction is unrelated to product information of one or more products of the vendor of the web site which are available for purchase and to which the hyperlink is associated (Kramer, FIG 3B).

In regards to claim 11 Rhoads discloses an accessing a vendor web site on a network using personal credit card account information retrieved from a credit card company server disposed on the network, comprising:

a machine-resolvable code (MRC) on the credit card of a user, wherein said MRC is read with a reading device at a user location of said user, said user location disposed on the network, and coded information of said MRC extracted therefrom;

routing information associated with said coded information, which said routing information corresponds to the personal account information of said user stored on the credit card company server;

wherein the user location is connected to the credit card company server across the network in accordance with said routing information, and the personal account information returned from the credit card company server to said user location is presented to said user at said user location which returned personal account information contains routing information relating to vendors that previously had been commercially related with by the user; and

a hyperlink to a web site of a vendor provided in the personal account information for automatically connecting said user location to said web site in response to the selection thereof (See response to claim 1).

In regards to claim 12, Rhoads teaches wherein said MRC is optical indicia (see response to claim 2).

In regards to claim 13, Rhoads teaches wherein said optical indicia is a bar code (see response to claim 3).

In regards to claim 14, Rhoads teaches wherein said routing information is stored on a user computer at said user location such that said coded information is used

to obtain the corresponding said routing information from said user computer (see response to claim 4).

In regards to claim 15, Rhoads teaches wherein said user computer stores a plurality of said coded information each associated with unique said routing information such that reading of said MRC of a select one of the one or more credit cards of said user causes said user computer to connect to the corresponding credit card company server over the network see response to claim 5).

In regards to claim 17, Rhoads teaches wherein personal account information is displayed on a computer display operatively connected to a user computer at said user location (see response to claim 7).

In regards to claim 18, Rhoads teaches wherein said routing information comprises a network address of the credit card company server on the network and file path information which locates the personal account information of said user on the credit card company server (see response to claim 8).

In regards to claim 19, Rhoads teaches wherein said hyperlink is associated with a line item transaction of the personal account information such that said

purchased product associated with said line item transaction is a product available for purchase from said vendor web site (see response to claim 9).

In regards to claim 20, Rhoads teaches wherein said hyperlink is associated with a line item transaction of the personal account information such that said purchased product associated with said line item transaction is unrelated to product information of one or more products of said vendor of the web site which are available for purchase and to which said hyperlink is associated (see response to claim 10).

In regards to claim 21, Rhoads discloses a method for connecting to a remote provider location on a network from a user location thereon comprising the steps of;

inputting a unique commerce code at the user location, wherein the unique commerce code is associated with commercial transactions of the user of the unique commerce code;

in response to the step of inputting, displaying to the user correlating historical commercial transaction information associated with the unique commerce code, which displayed correlating historical commercial transaction information has associated therewith corresponding routing information over the network to other locations on the network,

at least one of which is the remote commerce provider's location on the network;

allowing the user the option of selecting the routing information to the remote commerce provider's location on the network; and

in response to the user selecting, connecting of the user location to the remote commerce provider's location (see response to claim 1).

In regards to claim 22, Rhoads teaches wherein the step of displaying in response to the step of inputting comprises the steps of:

connecting to a commerce transaction location on the network that is associated with the unique commerce code in the step of inputting (col 23, lines 1-10);

the commerce transaction location having associated therewith a relational database with a plurality of information blocks of commercial transaction information associated with at least a portion of each of a plurality of unique commerce codes (col 22, lines 24-37); and

comparing the received at least a portion of the unique commerce code with the database and, if a match exists, returning the associated information block of commercial transaction information to the user (col 22, lines 42-45).

In regards to claim 23, Rhoads teaches wherein the returned information block is unique to the at least a portion of the unique commerce code transmitted thereto (see response to claim 22).

In regards to claim 24, Rhoads teaches wherein the unique commerce code is comprised of a first portion that is associated with routing information to the commercial transaction location on the network and a second portion that is related to the associated

information block of commercial transaction information in the database, the second portion corresponding to the at least one portion (col 16, lines 14-35).

In regards to claim 25, Rhoads teaches wherein the step of connecting comprises the steps of:

routing at least a portion of the unique commerce code to an intermediate location on the network (col 22, lines 43-45),

the intermediate location containing a database with relational information between a plurality of the at least portion of the unique commerce codes to network addresses of commercial transaction locations on the network (see response to claim 1);

comparing the received at least portion of the unique commerce code with information in the database (col 51, lines 51-65); and

if a match exists, returning the routing information to the commercial transaction location on the network and connecting thereto (Col 22, lines 50-67, authorized access).

In regards to claim 26, Rhoads teaches wherein the unique commerce code has a first portion that is stored in the database associated with the intermediate location on the network for determining the location of the commercial transaction location network and

a second portion associated with the database at the commercial transaction location on the network for determining the information to be returned to the user (col 22, lines 24-42, website, authorization).

In regards to claim 27, Rhoads teaches wherein the unique commerce code is disposed on a substrate and the step of inputting comprises reading the unique commerce code disposed on the substrate (see response to claim 2).

In regards to claim 28, Rhoads teaches wherein the step of reading the unique commerce code comprises using a bar code reader (see response to claim 3).

In regards to claim 29, Rhoads teaches wherein the substrate comprises a credit card (col 22, lines 43-45).

In regards to claim 30, Rhoads teaches wherein the credit card, in addition to having the unique commercial code associated therewith, has additional identification information for the purposes of utilizing the credit card in a in a commercial transaction outside the step of inputting (col 24, lines 13-24).

Claims 6 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rhoads (US 6,311,214) in view of Kramer et al (6,327,574) in view of Morrison and further in view of Official Notice.

In regards to claim 6, Rhoads teaches the use of a scanner, but does not specifically mention that the scanner is wireless. It was old and well known in the art at the time of the invention to use wireless scanners to input information to a user computer. It would have been obvious to a person having ordinary skill in the art at the time of the invention to include in Rhoads the use of a wireless scanner, because this would provide mobility and allow a person to scan a heavy object the is away from the personal computer, thus providing more efficiency to the system.

In regards to claim 16, Rhoads teaches wherein said reading device is a wireless scanner which transmits said coded information to a user computer via a receiving device operatively connected to said user computer (see response to claim 6).

In regards to claims 31-40, applicant regards these claims as “mirroring” (parallel claims) those claims previously prosecuted in claims 1-30. Since these claims are considered to be parallel claims they are rejected for the same rational as that stated above.

Response to Arguments

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references.

In response to applicant's arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986).

Applicant argues in regards to claims 6 and 16 that more than official notice is needed. The examiner notes that applicant was first notified of the lack of traverse of the Official notes in a 3/8/2005 office action. Applicant is responding to this same notice that was sent in the office action mailed 1/23/2006. Since applicants traverse is not timely this subject matter is considered to be old and well known in the art and is believed to have been applied properly.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Mark Fadok** whose telephone number is **571.272.6755**. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Jeffrey A. Smith** can be reached on **571.272.6763**.

Any response to this action should be mailed to:

Commissioner for Patents

P.O. Box 1450

Alexandria, Va. 22313-1450

or faxed to:

571-273-8300 [Official communications; including
After Final communications labeled
"Box AF"]

For general questions the receptionist can be reached at

571.272.3600

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for

Art Unit: 3625

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'Mark Fadok', with a long horizontal flourish extending to the right.

Mark Fadok

Primary Examiner